

## In Memoriam, Judge George A. Shaughnessy (Page 44 Includes Editorial Board).

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## IN MEMORIAM, JUDGE GEORGE A. SHAUGHNESSY

THERE are now almost two months since Milwaukee mourned the loss of one of her greatest sons. On that occasion, Marquette University also mourned the passing of a loyal and distinguished alumnus, for Judge George A. Shaughnessy had studied law at Marquette and was a member of the very first class that graduated from her law school. The man and the student were prophetic of the judge. While Marquette mourns his departure, it still feels that his record is an inspiration and permanent contribution to the story of the legal profession in Wisconsin. A career of constructive public service, without stain or reproach, is not only a consolation in that sheer sorrow which is associated with death, but also a positive record of inspiration to those whose young ambitions are still untouched by the cynicism that even a superficial observation of public and professional life naturally engenders.

The simple facts of Judge Shaughnessy's life read as follows: He was born in Milwaukee May 3, 1885. His parents were Patrick H. and Catherine Ryan Shaughnessy. His paternal grandfather was born in Ireland, emigrated after his marriage, came to Milwaukee county and

settled on a farm in the town of Granville. There was born Patrick H. Shaughnessy, the father of the judge. As a young man Patrick Shaughnessy came to Milwaukee and chose for his life work the education of youth. As a teacher he was successful, rose from the ranks of his profession and became principal of the Garfield Avenue School. After some 52 years steady devotion to the exacting work of the classroom he died in 1916. His widow, Judge Shaughnessy's mother, still lives; and with her at 513 East Garfield Avenue the Judge had made his home.

Judge Shaughnessy received his primary education in the Milwaukee public schools, and graduated in 1903 from the old East Side High School. He then attended and graduated from the Milwaukee Normal School. Evidently his intention was to pursue his father's footsteps and become a teacher. He did teach and for two years was principal of a school at Union Center, Wisconsin.

But George Shaughnessy soon changed his mind about teaching and the opportunities of the teaching profession. His brief experience may have convinced him that teaching was a thankless and precarious task, particularly in those smaller places where standards were measured by the minds of upstart potentates and willing political slaves. So we next find him in the law office of Christian Doerfler, afterwards a justice of the Wisconsin Supreme Court. It was at this time that he entered Marquette University law school from which he graduated in 1910. For some three years after his graduation he was associated in professional practice with Christian Doerfler. He began to practice for himself in 1913. From May 1, 1919 until January 1, 1923 he served as assistant district attorney of Milwaukee County. In November, 1922, he had been elected district attorney and served as such until July 15, 1924. On that date he was appointed judge of the Municipal Court by Governor John J. Blaine. We may add that had Blaine listened to the whispered opportunism or bowed to the political expedience current on such occasions, Milwaukee would never have had this enviable record of judicial service, but instead her citizens would have pointed to one other monumental mediocrity—a Municipal Court without a Judge Shaughnessy. So well did the new judge perform the duties of his high office that in April, 1925, he was elected by such a large vote that no one could doubt but that the people of Milwaukee County sanctioned and approved the choice of the Governor. His fame grew apace and the next election saw him returned unopposed.

It is almost trite to say that genuine human success presupposes the man but trite things are often true and with George Shaughnessy the judge presupposed the man. He had a kindly, genial face, loved good humor and banter, practical jokes, and the society of friends who did not always wear the official purple and awful dignity of civic virtue. Never could he narrow his mind to accept the moral perversity which implied that men who drank wine or beer could not be fair and frank and fine. He was a just judge but very human. He appreciated the frailties of human nature and never regarded himself as a superior exemplar immune from the pitfalls and vicissitudes of life. While he never could assume the holier than thou attitude which the conventional ethics of the professional guilds such as law or medicine are somewhat prone to foster, yet he was a deeply religious man.

Judge Shaughnessy, however, never confused religion and morals with customs and conventions. Those who knew him well know how he cultivated a really personal and objective religion informing the actions and details of his daily life. It is more than paradoxical that in an age when great numbers of those engaged in the practical solution of social problems were decrying religion as an opiate that seemed to begin and end with a vaguely indefinite period called the Dark Ages, Judge Shaughnessy, a judge just, severe, and religious, was able to touch the hardened heart of human dereliction and restore the vision of a better life and a proper sense of social responsibility where before there were only darkness and despair. This modern disciple of the kindly Assisian knew that what the poor and the delinquent needed was not a pittance or formal advice or merely another chance, but a real friend who understood and sympathized with the individual and recognized in him an erring brother. The patronizing attitude was alien to him and never could he bear even a remote comparison to so many of those monsters of respectable cruelty who seem to be the special product of Anglo-American jurisprudence. An intensive active personal cultivation of the great but simple truths of religion was, as his intimate friends will testify, a substantial factor in the enduring success of George A. Shaughnessy as judge of our Municipal Court.

There were, however, more tangible and material factors contributing to the success of Judge Shaughnessy. Among such was a constant, unceasing industry. He worked with unfaltering, tireless energy. Said Edward G. Dempsey, a former president of the Wisconsin Bar Association, when pointing out one of the more evident and accessible methods of attacking the crime problem:

"In 1927 there were 1854 cases bound over to the Municipal Court for trial. At the end of the year only 84 cases were pending. In 1928 there were 1530 cases given to the Municipal Judge and the end of the year found 13 cases pending. From January 1 to June 1 of this year (1929) 687 cases were bound over and only 15 defendants were awaiting trial on June 1.

"When we consider the population of Milwaukee County exceeds 600,000 and one judge handles all of the criminal cases, I do not hesitate to say this is a remarkable record."

Again Judge Shaughnessy realized that the punishment of crime must be swift and certain; that the officers of the law and those charged with the administration of criminal justice should have no connection with or dependence on political favoritism or factions. On this point we have his actual words: "Punishment in Milwaukee is swift and certain. Politics and crime do not go hand in hand in Milwaukee. No man in politics depends upon the criminal element for anything. If any man in office gets his name linked with crime or criminals he might as well retire. Political activity on behalf of criminals just doesn't exist here. In my time as prosecutor and judge I have never been approached on behalf of any hardened offender or in behalf of anyone unless there were extenuating circumstances and in those few cases no one ever came as a politician."

It is also significant that Judge Shaughnessy never subscribed to the theory of the born criminal, the predestined delinquent. He conceived

men as socially responsible persons endowed with a free will. He learned from much experience both as prosecuting attorney and municipal judge that one of the real factors contributing to crime was poor environment, the evil companion, the unfavorable and broken home. His emphasis on environment did not, however, lead him to minimize the solid fact of individual responsibility. Thus he stressed the principle that the main function of education is the formation of character. Parental care, guidance, and discipline were for him an axiom, the *sine qua non* of well ordered, responsible citizenship. The good citizen he regarded as in a sense his brother's keeper, a reasonable inference from the principle of the universal brotherhood of man and the great bond of Christian charity. Pharisaical aloofness he regarded as a serious social lacuna.

The casual visitor in Judge Shaughnessy's chambers observed in particular a large document in a beautiful picture frame. It read like an illuminated legend from a mediaeval manuscript of ritual and prayer. It was none other than the manuscript found among the papers of one long since dead who for six years presided in the highest tribunal of Wisconsin, Chief Justice Edward George Ryan. It seems appropriate to quote in full, that the document may thus speak for itself:

"O God of all truth, knowledge and judgment, without whom nothing is true or wise or just, look down with mercy upon Thy servants whom Thou sufferest to sit in earthly seats of judgment to administer Thy justice to Thy people. Enlighten their ignorance and inspire them with Thy judgments. Grant them grace truly and impartially to administer Thy justice and to maintain Thy truth to the glory of Thy name. And of Thy infinite mercy so direct and dispose *my* heart that I may this day fulfill all my duty in Thy fear, and fall into no error of judgment. Give me grace to hear patiently, to consider diligently, to understand rightly and to decide justly. Grant me due sense of humility, that I be not misled by my willfulness, vanity or egotism. Of myself I humbly acknowledge my own unfitness and unworthiness in Thy sight, and without Thy gracious guidance I can do nothing right. Have mercy upon me a poor, weak, frail sinner, groping in the dark; and give me grace so to judge others now, that I may not myself be judged when Thou comest to judge the world with Thy truth. Grant my prayer I beseech Thee for the love of Thy Son, our Savior, Jesus Christ. Amen."

We of his Alma Mater mourn the passing of this just judge. We knew him as a real friend and loyal alumnus. Our traditions and principles he shared and advanced. His record remains inspiring, permanent, enduring. His career as barrister and jurist teaches us today and shall teach our successors tomorrow that we can be in the current of modern thought without forgetting the old ideals, that a judge just and severe can be tender and merciful and human, that faith and hope in a God who came into this world to save and redeem men are not inseparable from science and progress and the solution of those social problems which, daily confronting criminal justice, dizzy and appall the leaders of our time.

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